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7  
8 **BEFORE THE**  
**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 PATRICIA ANNE MURPHY  
3301 Arena Blvd. #206  
13 Sacramento, California 95834

14 Occupational Therapy License No. OT 6730

15 Respondent.

Case No. OT2004-83

OAH No.

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

16 **FINDINGS OF FACT**

17 1. On or about July 26, 2006, Complainant Heather Martin, in her official  
18 capacity as the Executive Officer of the California Board of Occupational Therapy, Department  
19 of Consumer Affairs, filed Accusation No. OT2004-83 against Patricia Anne Murphy  
20 (Respondent) before the California Board of Occupational Therapy.

21 2. On or about April 29, 2003, the California Board of Occupational Therapy  
22 (Board) issued Occupational Therapy License No. OT 6730 to Respondent. The Occupational  
23 Therapy License was in full force and effect at all times relevant to the charges brought herein  
24 and will expire on December 31, 2005, unless renewed.

25 3. On or about July 31, 2006, Araceli Mercado, an employee of the  
26 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.  
27 OT2004-83, Statement to Respondent, Notice of Defense, Request for Discovery, and  
28

1 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record  
2 with the Board, which was and is 3301 Arena Blvd. #206, Sacramento, California 95834. A  
3 copy of the Accusation, the related documents, and Declaration of Service are attached as  
4 exhibit A, and are incorporated herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the  
6 provisions of Government Code section 11505, subdivision (c).

7 5. On or about August 3, 2006, the aforementioned documents were returned  
8 by the U.S. Postal Service marked "Addressee Unknown." A copy of the postal returned  
9 documents are attached hereto as exhibit B, and are incorporated herein by reference.

10 6. Government Code section 11506 states, in pertinent part:

11 "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
13 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
14 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

15 7. Respondent failed to file a Notice of Defense within 15 days or any other  
16 time after service upon her of the Accusation, and therefore waived her right to a hearing on the  
17 merits of Accusation No. OT2004-83.

18 8. California Government Code section 11520 states, in pertinent part:

19 "(a) If the respondent either fails to file a notice of defense or to appear at the  
20 hearing, the agency may take action based upon the respondent's express admissions or  
21 upon other evidence and affidavits may be used as evidence without any notice to  
22 respondent."

23 9. Pursuant to its authority under Government Code section 11520, the Board  
24 finds Respondent is in default. The Board will take action without further hearing and, based on  
25 Respondent's express admissions by way of default and the evidence before it, contained in  
26 exhibits A and B finds that the allegations in Accusation No. OT2004-83 are true.

27 10. The total costs for investigation and enforcement are \$1,122.00 as of  
28 September 7, 2006.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Patricia Anne Murphy  
3 has subjected her Occupational Therapy License No. OT 6730 to discipline.

4 2. A copy of the Accusation and the related documents and Declaration of  
5 Service are attached.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The California Board of Occupational Therapy is authorized to revoke  
8 Respondent's Occupational Therapy License based upon the following violations alleged in the  
9 Accusation:

10 a. Business and Professions Code sections 2570.28 (unprofessional  
11 conduct) and 2570.29(a) (unlawful possession of controlled substances).

12 ORDER

13 IT IS SO ORDERED that Occupational Therapy License No. OT 6730,  
14 heretofore issued to Respondent Patricia Anne Murphy, is revoked.

15 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
16 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
17 within seven (7) days after service of the Decision on Respondent. The agency in its discretion  
18 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
19 statute.

20 This Decision shall become effective on January 7, 2007.

21 It is so ORDERED December 8, 2006

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23   
24 FOR THE CALIFORNIA BOARD OF OCCUPATIONAL  
25 THERAPY  
26 DEPARTMENT OF CONSUMER AFFAIRS

26 Attachments:

27 Exhibit A: Accusation No. OT2004-83, Related Documents, and Declaration of Service  
28 Exhibit B: Postal Return Documents